

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6700

BILL NUMBER: HB 1807

DATE PREPARED: Jan 14, 2001

BILL AMENDED:

SUBJECT: Probation.

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes numerous changes to probation laws, including the following:

(A) It prohibits state colleges and technical schools from requiring the children or spouse of a probation officer killed in the line of duty to pay tuition under certain circumstances.

(B) It increases probation user's fees.

(C) It allows a court to order a person to pay a probation user's fee that exceeds the maximum amount allowed under Indiana law if the person was placed on probation in another state that allows a higher fee.

(D) It allows a person to pay a monthly probation user's fee in advance without prior approval.

(E) It allows a court to impose or increase a person's probation user's fee if the person's financial status changes.

(F) It specifies that an order to pay a probation user's fee is a judgment lien.

(G) It provides that a person placed on probation may be required to pay more than one initial probation user's fee.

(H) It allows a court that orders a person to pay a probation user's fee to garnish the wages, salary, and other income earned by the person.

(I) It provides that if a person is delinquent in paying the person's probation user's fees, the court may order the Bureau of Motor Vehicles to not issue a driving license or permit to the person until the person has paid the person's delinquent probation user's fees.

(The introduced version of this bill was prepared by the Probation Services Study Committee.)

Effective Date: July 1, 2001.

Explanation of State Expenditures: *Provision A:* The university's general fund absorbs the costs of fee remissions. Universities must provide statutory remissions first; the remainder of the money is discretionary. As statutory requirements increase, the level of discretionary dollars decreases.

The Judicial Center reports that one probation officer has been killed in the line of duty in recent years. This

officer has a surviving spouse and two children. If all three of these individuals attended a public university or other state institution of higher education in Indiana, the maximum added fee remission would be \$9,969 based on a weighted tuition and fee average of \$3,323.

Provision I: The number of probation violators who do not pay their probation user fees is estimated based on the number of probationers who have their probation revoked for a technical violation. (A technical violation occurs when a probationer does not comply with the conditions and behaviors to which the individual agreed when being placed on probation. The violation is not for committing a new crime.)

During CY 1999, the number of adult felons and misdemeanants who had their probations revoked due to a technical violation was 6,992. Of these, the estimated percentage who intentionally failed to pay user fees was not able to be determined.

This provision allows the sentencing court to issue an order to the Bureau of Motor Vehicles to not issue a license *if* the technical violator's license is already suspended. The number of technical violators who have suspended licenses is not known.

The Bureau of Motor Vehicles indicates that it will need to add one Clerical Assistant III to enter the additional data from these court orders and will incur \$3,500 for new equipment and for computer programming expenses. The added costs in the first year would be \$33,248 and the second year costs would be \$29,067.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. In FY 2000, the BMV reverted approximately \$2.9 M. In the budget submitted for the 2001-2003 biennium, the BMV listed 70 vacancies, with 26 positions funded. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: *Provisions D through I* may require additional court hearings. The added cost from these hearings, if they occur, is likely to be minimal.

Explanation of Local Revenues: *Provision B:* Under current law, offenders on probation can be charged both an initial fee and a monthly fee. The following table shows both the existing fees and the proposed fees.

	Initial Fee				Monthly Fee			
	Current Statute		Proposed Fees		Current Statute		Proposed Fees	
	Min	Max	Min	Max	Min	Max	Min	Max
Felon	\$25	\$100	\$100	\$200	\$5	\$15	\$15	\$30
Misdemeanant	\$0	\$50	\$50	\$100	\$0	\$10	\$10	\$20
Juvenile	\$25	\$100	\$25	\$100	\$5	\$15	\$10	\$25

The estimated increase in the fees that could be collected under this proposal would be \$9,493,915 for adults

and \$521,324 for juveniles for a total of \$10,015,239.

Provision C: The added revenues will depend on the states from which these offenders are transferred and the amount that these offenders pay in these states. During CY 1999, the 1,190 offenders were transferred into 83 counties from other states.

Provisions D through I would increase the likelihood that probation departments would be able to collect additional fees from offenders on probation.

State Agencies Affected: Bureau of Motor Vehicles; State Universities.

Local Agencies Affected: Courts; Probation Departments.

Information Sources: Indiana Judicial Center; Indiana Commission for Higher Education, Postsecondary Education Tuition and Fee Rates in Indiana: An Update, May 31, 2000, Indiana Supreme Court Division of State Court Administration, 1999 Probation Report, Melanie Schwartz, Bureau of Motor Vehicles.